

# JOURNAL OF THE HOUSE.

---

Monday, July 7, 2014.

Met according to adjournment at eleven o'clock A.M., in an Informal Session with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag. Pledge of allegiance.

### *Silent Prayer.*

At the request of the Chair (Mr. Donato of Medford) and all the members of the House, the members, guests and employees stood for a moment of silent tribute in memory of Douglas W. Petersen, a member of the House from Marblehead from 1991 to 2008, inclusive. Douglas W. Petersen.

### *Communications.*

#### Communications

From the Division of Insurance (see Section 3 of Chapter 312 of the Acts of 2012) relative to long-term care insurance rate stabilization [copies were forwarded to the Speaker of the House and the Minority Leader of the House]; and Long-term care insurance.

From Department of Public Utilities (see Section 1G(g) of the General Laws) submitting its annual report relative to the degree of impact on the aggregate reduction of the electricity and impact on transition charges due to implementation or use of cogeneration systems, fuel cell and renewable energy technologies; Renewable energy technologies.

Severally were placed on file.

### *Annual and Special Reports.*

The annual report of the Division of Banks (under Section 13 of Chapter 167 of the General Laws) for the year 2013; Division of Banks.

The initial annual report of the Executive office of Health and Human Services (under Section 265 of Chapter 224 of the Acts of 2012) certifying and outlining how the health benefit plans under the office of Medicaid, and their contractors, comply with the federal Mental Health Parity and Addiction Equity Act; and Mental health parity.

A special implementation progress report of the task force created (under Section 134 of Chapter 131 of the Acts of 2010) to conduct an assessment and develop a plan relative to separate and secure waiting areas in district and superior courthouses for victims and witnesses of crimes; Courthouses,—waiting areas.

Severally were placed on file.

### *Petitions.*

Petitions severally were presented and referred as follows:

By Mr. Turner of Dennis, a petition (accompanied by bill, House, No. 4260) of Cleon H. Turner (by vote of the town) that the town of Dennis,—prevailing wage.

Dennis be exempt from complying with certain provisions of the prevailing wage law. To the committee on Labor and Workforce Development.

Dedham,—  
town  
manager.

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 4261) of Paul McMurtry and Michael F. Rush (by vote of the town) relative to the authority of the town manager of the town of Dedham. To the committee on Municipalities and Regional Government.

Sturbridge,—  
tax  
abatements.

By Mr. Smola of Warren, a petition (accompanied by bill, House, No. 4262) of Todd M. Smola and Stephen M. Brewer (by vote of the town) that the board of assessors of the town of Sturbridge be authorized to grant tax abatements to certain military personnel; and

Dennis,—  
marijuana  
tax.

By Mr. Turner of Dennis, a petition (accompanied by bill, House, No. 4263) of Cleon H. Turner (by vote of the town) that the town of Dennis be authorized to impose a local sales tax on the sale of medical marijuana;

Severally to the committee on Revenue.

Severally sent to the Senate for concurrence.

Dental  
facilities,—  
wastewater.

Mr. Miceli of Wilmington presented a petition (subject to Joint Rule 12) of James R. Miceli relative to industrial wastewater discharged from dental facilities; and the same was referred, under Rule 24, to the committee on Rules.

#### *Orders.*

The following order (filed by Ms. Peisch of Wellesley) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Education  
committee,—  
extension  
of time for  
reporting.

*Ordered,* That, notwithstanding the provisions of Joint Rule 10, the committee on Education be granted until Friday, June 27, 2014, within which to make its final report on current House documents numbered 362, 464, 468, 505, 529, 530, 531 and 532.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Ms. Peisch, the order was considered forthwith.

Pending question on the adoption of the order Ms. Peisch moved to amend it by striking out the date “Friday, June 27” and inserting in place thereof the date “Tuesday, July 15”. The amendment was adopted.

The order, as amended, then also was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Michlewitz of Boston) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Public Service  
committee,—  
extension  
of time for  
reporting.

*Ordered,* That, notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until Thursday, July 31, 2014, within which to make its final report on current Senate document numbered 1225 and current House documents numbered 59, 2370 and 2389.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Michlewitz, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Kaufman of Lexington) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

*Ordered*, That, notwithstanding the provisions of Joint Rule 10, the committee on Revenue be granted until Thursday, July 31, 2014, within which to make its final report on current Senate document numbered 1324 and current House document numbered 2568.

Revenue committee,—  
extension  
of time for  
reporting.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Kaufman, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Straus of Mattapoisett) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

*Ordered*, That, notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Thursday, July 3, 2014, within which time to make its final report on current Senate documents numbered 1664 and 1712, and House documents numbered 3136 and 3168.

Transportation committee,—  
extension  
of time for  
reporting.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Straus, the order was considered forthwith.

Pending question on the adoption of the order the same member moved to amend it by striking out the date “Thursday, July 3” and inserting in place thereof the date “Tuesday, July 22”. The amendment was adopted.

The order, as amended, then also was adopted. Sent to the Senate for concurrence.

*Reports of Committees.*

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for Margaret Poindexter, an employee of the Massachusetts Department of Transportation (Senate, No. 2185), be scheduled for consideration by the House.

Margaret Poindexter,—  
sick leave.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, that the following bills ought to pass:

Providing equitable treatment for post-acute care hospitals (House, No. 1986);

Post-acute care.

Relative to the health care of minors (House, No. 2027); and

Minors.

Regarding rights of persons receiving services from program or facilities of the Department of Mental Health (House, No. 3804).

Mental health services.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, that the Bill relative to lead abatement (House, No. 2068), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4258) [Cost: Greater than \$100,000.00].

Lead abatement.

Lyme disease,—  
treatment.

By the same member, for the same committee, that the Bill relative to Lyme disease treatment coverage (House, No. 4142), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4259) [Cost: Greater than \$100,000.00].

Severally read; and referred, under Rule 33, to the committee on Ways and Means, with the amendments pending.

Assistant court clerks.

By Mr. Markey of Dartmouth, for the committee on the Judiciary, on a petition, a Bill regarding assistant court clerks (House, No. 1228).

E-mail,—  
access.

By the same member, for the same committee, on Senate, No. 702 and House, No. 1314, a Bill relative to access to a decedent's electronic mail accounts (House, No. 4243).

Animal cruelty.

By the same member, for the same committee, on Senate, Nos. 767, 807 and 1914 and House, No. 1182, a Bill relative to the penalty for killing, maiming or poisoning of animals (House, No. 4244).

Kenneth Wheeler,—  
retirement.

By Mr. Michlewitz of Boston, for the committee on Public Service, on a petition, a Bill relative to the retirement of Mr. Kenneth Wheeler (House, No. 2344).

Michael Simeone.

By the same member, for the same committee, on a petition, a Bill relative to the survivor benefits of Michael J. Simeone (House, No. 2347).

Photographs,—  
identification.

By Mr. Straus of Mattapoisett, for the committee on the Transportation, on a joint petition, a Bill relative to driver's licenses and identification cards [sic] photographs (House, No. 4159).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Dighton,—  
recall.

By Mr. Murphy of Weymouth, for the committee on Election Laws, on a joint petition, a Bill authorizing the town of Dighton to recall elected officials (House, No. 4199) [Local Approval Received].

Sewer betterments.

By Mr. Kaufman of Lexington, for the committee on Revenue, on a petition, a Bill regulating sewer betterment assessments in the Commonwealth (House, No. 4204).

Rehoboth,—  
expenditure fund.

By the same member, for the same committee, on a petition, a Bill establishing a capital expenditure fund in the town of Rehoboth (House, No. 4225) [Local Approval Received].

Wellfleet,—  
parking fines.

By Mr. Straus of Mattapoisett, for the committee on the Transportation, on a petition, a Bill relative to parking ticket fines in the town of Wellfleet (House, No. 4175) [Local Approval Received].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Alzheimer's advisory committee.

The Senate Bill relative to the Massachusetts Alzheimer's and Related Dementia Acute Care Advisory Committee (Senate, No. 295); and House bills

Financial disclosures.

To prohibit negative option sales and disclosure of financial and personal information without a consumer's express agreement (House, No. 244);

Auctions,—  
liquor licenses.

Regulating the granting of temporary licenses for the sale of wine, beer, and malt liquor at auctions (House, No. 270, changed);

To improve criminal laws relative to organized retail theft (House, No. 1474);	Retail theft.
Making corrections to the adopted childrens [sic] act (House, No. 1540);	Adoptions.
To require verified complaints in summary process actions (House, No. 1655);	Summary process.
Providing for an investigation and study by a special commission relative to child suicide (House, No. 3741);	Child suicide,—study.
Approving the conveyance of property by town of Nantucket to the Nantucket Islands Land Bank (House, No. 4101) [Local Approval Received];	Nantucket land bank.
Relative to the composition of the Nantucket Historic District Commission (House, No. 4102) [Local Approval Received]; and	Nantucket,—commission.
Approving the conveyance of property by the county of Nantucket (House, No. 4102) [Local Approval Received];	Nantucket,—land.
Severally placed in the Orders of the Day for the next sitting for a second reading.	

*Engrossed Bill.*

Engrossed bills

Authorizing the town of Westport to assess additional amounts of real estate and personal property taxes to pay certain medical expenses incurred by certain public safety personnel (see Senate, No. 2192) (which originated in the Senate);	Bills enacted.
---	----------------

Authorizing the appointment of Scott Bradish as a firefighter in the city of Haverhill notwithstanding the maximum age requirement (see House, No. 3487); and

Authorizing the appointment of Scott Marchand as a firefighter in the city of Haverhill notwithstanding the maximum age requirement (see House, No. 3807);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Orders of the Day.*

The House Bill authorizing the Division of Capital Asset Management and Maintenance to lease certain property in the town of Tewksbury (House, No. 4085) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.	Third reading bill.
--	---------------------

*Order.*

On motion of Mr. DeLeo of Winthrop,—

<i>Ordered,</i> That when the House adjourns today, it adjourn to meet the following Wednesday at eleven o'clock A.M.	Next sitting.
---	---------------

---

At thirteen minutes after eleven o'clock A.M., on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M.